IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1179 OF 2004
IN
SUIT NO.3181 OF 1996

Premji Nanji Dudha alias Gohil. ...Plaintiff
V/s.
Pravin Bechar Gohil & Ors. ...Defendants
And
Sheetal Prakash Wala & Ors. ...Respondents

Ms.Manisha Shah i/b.Harakchand & Co. for Plaintiff.
None for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : DECEMBER 7, 2004.

P.C. :-

1. Heard learned Advocate for the plaintiff.

2. Perused the affidavit of the plaintiff in support of Chamber Summons. From the affidavit filed, it is seen that there is a delay in taking steps to bring the legal heirs of deceased defendant no.9(a) because of negligence on the part of the Advocates. Plaintiff cannot be made to suffer on the ground of negligence of the Advocate.

3. In view thereof, Chamber Summons allowed.

Abatement of suit set aside. Delay in taking out Chamber Summons is condoned. Chamber Summons accordingly made absolute in terms of prayer clauses (a) and (b). Chamber Summons to stand disposed of.

4. Amendment to be carried out within two weeks. Amendment copy to be served upon the Advocate for the defendant within a week thereafter.

(A.S. AGUIAR, J.)